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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,415	07/27/2001	Thomas Talanis	A34482-PCT-USA (071308.02	8862

22116 7590 08/09/2006

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EXAMINER	
SWEARINGEN, JEFFREY R	

ART UNIT	PAPER NUMBER
2145	

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/916,415	TALANIS ET AL.	
	Examiner	Art Unit	
	Jeffrey R. Swearingen	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 May 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4 and 11-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4 and 11-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's amendments to the claims overcame the previous rejection under 35 U.S.C. 112, first paragraph. However, at no point in the specification did Applicant give support for the use of a proxy server in the invention, thus triggering a new rejection under 35 U.S.C. 112, first paragraph for the introduction of new matter. Applicant only gave support for a computer located behind a "fire wall computer" in paragraph [0009] of the originally filed specification.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-2, 4, and 11-15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification never described connecting a device with a local Intranet address to a proxy computer. Paragraph [0009] did disclose the use of a local Intranet address. Paragraph [0009] disclosed the connection to a "fire wall computer". The word "proxy" is present within paragraph [0009], but is not clearly related to any piece of hardware or software functionality such as said "fire wall computer".

4. Claims 1-2, 4, and 11-15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It is unclear how a connection request was sent directly from a client to an Internet server via an Internet connection when there is a proxy computer present in between the client and Internet server.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-2 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mohammed et al. (US 6,421,728 B1) in view of Lin et al. (US 6,282,575 B1).

7. In regard to claims 1 and 12, Mohammad disclosed the establishment of an asymmetric data transmission from a client with separate upstream and downstream channels, where data can be transmitted on both channels. See Mohammad column 3, lines 17-38, column 4, lines 12-24, column 5, lines 32-44. Mohammad failed to disclose that this was present behind a proxy server. However, Lin disclosed an intermediate server between the client and the routing mechanism that dealt with routing and authentication for the network from the client. See Lin, column 5, lines 12 – column 6, line 6. The "invisibility" behind the proxy server is shown in column 5, line 65 – column 6, line 6 where the authentication server is led to believe that one server is actually another server. Both Mohammad and Lin deal with establishing separate upstream and downstream channels for a client using separate physical devices (Mohammad, column 3, lines 17-38; Lin, column 2, lines 59-64). Therefore it would have been obvious to use Lin in conjunction with Mohammad to add privacy, firewall, and security features to the Mohammad invention.

8. In regard to claims 2 and 13, Mohammed in view of Lin is applied as in claim 1. Mohammed further disclosed *dummy data are transmitted in the absence of user data in order to maintain the transmission channels.* Mohammed disclosed the use of poll packets, which were *dummy data.* See Mohammed, column 10, line 10.

9. Claims 4 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mohammed in view of Lin as applied to claims 1 and 12, and further in view of Baird et al. (U.S. Patent No. 6,564,128, formerly Rogers et al., U.S. Pub. No. 2002/0143446).

10. In regard to claims 4 and 14, Mohammed in view of Lin is applied as in claims 1 and 12. Mohammed and Lin failed to disclose working with an automation system. However, Baird disclosed *wherein data for operating and monitoring an automation system is provided over the Internet, the first transmission channel used for transmitting status data of the automation system to the client, and the second transmission channel used for transmitting requests from the client to the automation system.* [see Baird, column 9, lines 15-42]. It would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Baird's Internet-enabled automation system with the teachings of Mohammed and Lin for the purpose of allowing an automation system to interact in real-time with a remote computer system [see Baird, column 7, lines 44-55, column 7, lines 11-26]. Mohammed provides motivation to combine by stating the invention can be applied to all networks in general (see Mohammed, column 3, lines 23-26). Baird also supports the combination further by stating that it is preferably used with DCOM technologies on a DCOM server (Baird, column 10, lines 20-45), which is shipped with the preferred embodiment for Mohammed.

11. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mohammed in view of Lin in further view of Baird in further view of Horstmann et al. (Markus Horstmann and Mary Kirtland, DCOM Architecture, Microsoft Developer's Network Library, July 23, 1997).

12. In regard to claim 11, Mohammed in view of Lin in further view of Horstmann is applied as in claim 4. Mohammed failed to disclose the use of DCOM technology. However, Horstmann discloses key aspects of the DCOM architecture, including the ability for an object to consist of two interfaces. See Horstmann, pages 5-6. It would be obvious to one of ordinary skill in the networking art to use DCOM with Mohammed for many reasons, including communication with different computers (Horstmann, 1) and creating multiple interfaces with an object (Horstmann, 5-6). Mohammed is analogous art because both Mohammed and Horstmann operate with the Windows NT operating system (Mohammed, column 3, lines 36-38; Horstmann, page 1) and deal with network communications (Mohammed, column 4, lines 12-24; Horstmann, page 1). Mohammed further gives motivation for the combination by being designed for Windows NT (Mohammed, column 3, lines 36-38), and version 4.0 of Microsoft Windows NT (shipping at

the time of the application of Mohammed) included DCOM as part of the operating system (Horstmann, page 1).

13. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mohammed in view of Lin in further view of Horstmann et al. (Markus Horstmann and Mary Kirtland, DCOM Architecture, Microsoft Developer's Network Library, July 23, 1997).

14. In regard to claim 15, Mohammed in view of Lin is applied as in claim 12. Mohammed failed to disclose the use of DCOM technology. However, Horstmann discloses key aspects of the DCOM architecture, including the ability for an object to consist of two interfaces. See Horstmann, pages 5-6. It would be obvious to one of ordinary skill in the networking art to use DCOM with Mohammed for many reasons, including communication with different computers (Horstmann, 1) and creating multiple interfaces with an object (Horstmann, 5-6). Mohammed is analogous art because both Mohammed and Horstmann operate with the Windows NT operating system (Mohammed, column 3, lines 36-38; Horstmann, page 1) and deal with network communications (Mohammed, column 4, lines 12-24; Horstmann, page 1). Mohammed further gives motivation for the combination by being designed for Windows NT (Mohammed, column 3, lines 36-38), and version 4.0 of Microsoft Windows NT (shipping at the time of the application of Mohammed) included DCOM as part of the operating system (Horstmann, page 1).

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

16. Mohammed US 6,041,356

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date

of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571) 272-3921. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason Cardone
Supervisory Patent Examiner
Art Unit 2145